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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,228	06/25/2001	Jeffrey H. Alger	03797.00013	3296

7590 02/07/2006

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EXAMINER

CHEA, PHILIP J

ART UNIT PAPER NUMBER

2153

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/892,228

Applicant(s)

ALGER ET AL.

Examiner

Philip J. Chea

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 and 09 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This Office Action is in response to a Request for Continued Examination filed January 5, 2006.

Claims 1-4,6-14 are currently pending. Any rejection not set forth below has been overcome by the current Amendment.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,4, are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al. (US 6,324,552), herein referred to as Chang.

As per claim 1, Chang discloses an application that uses content to perform a function, as claimed, comprising:

a client portal for retrieving content from a network, such that content retrieved by the client portal from the network is seamlessly integrated into the application for use (see column 3, lines 58-64), and

the client portal is capable of retrieving content only through sites in the network preselected by a publisher or distributor of the client portal (see column 3, lines 40-51), and a user cannot configure the client portal to add or modify controls of the client portal to access content through sites in the network that have been preselected by a publisher or distributor of the client portal (see column 3, lines 48-51 and column 4, lines 36-41, where users cannot configure the browser to access sites not predetermined).

As per claim 2, Chang further discloses that the application provides an interface for manipulating content retrieved from the network (see column 4, lines 1-35); and

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the client portal retrieves content from the network directly in to the interface (see column 3, lines 60-63).

As per claim 4, Chang further discloses that the application is a media player for playing electronic media (see column 3, lines 60-63).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos et al. (US 6,029,141), herein referred to as Bezos, and further in view of Chang.

As per claim 6, Bezos discloses a client portal for facilitating the purchase of a particular product, comprising a browser capable of retrieving content only through preselected sites that are related to providing the particular product (see column 6 and 7, lines 59-67 and 1-5, where preselected sites are selected by the associate about various products).

Although the system disclosed by Bezos shows substantial features of the claimed invention (discussed above), it fails to disclose that a user cannot configure the client portal to add or modify controls of the client portal to access content through sites in the network that are not related.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Bezos, as evidenced by Chang.

In an analogous art, Chang discloses a browser capable of retrieving content only through preselected sites, such that a user cannot configure the client portal to add or modify controls of the client portal to access content through sites in the network that are not related (see column 3, lines 40-51 and column 4, lines 36-41, where users cannot configure the browser to access sites not predetermined).

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Given the teaching of Chang, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Bezos by employing a browser that restricts users access to only preselected sites, such as disclosed by Chang, in order to maximize purchases by forcing the user to stay within the boundaries of the store.

As per claim 7, Bezos in view Chang further disclose including a memory for storing the preselected sites (see Bezos column 6, lines 59-67).

As per claim 8, Bezos in view Chang further disclose at least one of the preselected sites list other preselected sites (see Bezos column 15, lines 28-36, and Fig. 9 = preselected sites and Fig. 10a = other preselected sites).

As per claim 9, Bezos in view Chang further disclose at least one of the preselected sites lists sites that are available for preselection (see Bezos column 7, lines 6-20, where preselected sites available are considered links to the merchants websites).

As per claim 10, Bezos in view Chang further disclose a portal wherein the browser provides a header identifying characteristics of the browser (see Bezos column 8, lines 17-22). A cookie is considered the header that identifies the characteristics of the browser.

As per claim 11, Bezos in view Chang further disclose a catalog of items for purchase, which are also from multiple content sources (see Bezos column 7, lines 6-11).

As per claim 12, Bezos in view Chang further disclose the portal including a memory, and the catalog downloaded into the memory (see Bezos column 6, lines 59-67).

As per claim 13, Bezos in view Chang further disclose that the catalog contains content from multiple content sources (see Bezos column 7, lines 6-11).

As per claim 14, Bezos in view Chang further disclose identifying a user of the client portal (see Bezos column 9, lines 9-20, where user = Italian chef, and selection of items = favorite cookbooks). Also see 103 rejection below.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos in view of Chang and further in view of Shafer et al. ("Recommender Systems in E-Commerce" 1999).

Bezos in view of Chang shows substantial features of the claimed invention (discussed above). In further support identifying a user of the client portal and having a catalog that contains a selection of items for purchase based upon a previous purchase history of the user are well known in the art and would have been an obvious modification of the system disclosed by Bezos in view of Chang, as evidenced by Shafer et al.

In an analogous art, Shafer et al. disclose an e-commerce system where there is a means of presenting catalog information based upon a previous purchase history of the user (page 158, column 2, second paragraph).

Given the teaching of Schafer et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Bezos in view of Chang by employing a product recommendation based on a users previous purchase history, such as disclosed by Shafer et al., in order to help an e-commerce site adapt itself to each customer enabling individual personalization (Schafer et al., column 2, second paragraph).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang, in view of admitted prior art (Admission).

As per claim 3, although the system disclosed by Chang shows substantial features of the claimed invention (discussed above), it fails to disclose a rendering application for eBooks.

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Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Chang, as evidenced by admitted prior art.

In an analogous art, applicant discloses that a rendering application for eBooks is well known in the art (page 2, paragraph 5, lines 6-9).

Given the teaching of the admitted prior art, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Chang by allowing the application to render eBooks, such as disclosed by the applicant, in order to allow students to read books related to a lesson for class.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-4,6-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Philip J Chea  
Examiner  
Art Unit 2153

PJC 2/1/06



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